

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
Civil Action No. 7:08-CV-00130-FL

VICTOR BROWN AND MARTHA )  
BROWN, )  
                               )  
v.                             )  
Plaintiffs,                 )  
                               ) NOVARTIS PHARMACEUTICALS  
NOVARTIS PHARMACEUTICALS ) CORPORATION'S OMNIBUS MOTION IN  
CORPORATION,                 ) LIMINE  
                               )  
Defendant.                 )

Novartis Pharmaceuticals Corporation (“NPC”) hereby moves pursuant to the Federal Rules of Evidence and applicable law to exclude the following:

1. Out-of-court statements by members of a panel of physicians and oral surgeons who provided comments regarding NPC’s draft White Paper on the development of ONJ in patients using Zometa® and Aredia®;
2. Testimony from Dr. Noopur Raje, a medical doctor with no NPC affiliation, including a videotaped presentation that Dr. Raje gave in September 2005 at a meeting of the American Association of Oral and Maxillofacial Surgeons;
3. “Recommendations from the Osteonecrosis of the Jaw (ONJ) Advisory Panel,” 16-Mar. 2005;
4. A statement made by Dr. Jack Gotcher at the annual AAOMS meeting in September, 2005;
5. Sales and marketing materials that were neither seen nor relied upon by Plaintiff Victor Brown or his prescribing physicians, Drs. John Hunter or Birgit Arb;
6. Testimony or evidence that NPC misled, deceived, or defrauded FDA about

Zometa®;

7. Testimony or evidence that some or many of the articles concerning bisphosphonates in medical journals were actually “ghostwritten” by drug companies, including NPC;
8. Evidence concerning foreign regulatory actions or materials such as package inserts for Zometa® distributed in foreign countries;
9. Discovery disputes;
10. Characterizations of counsel for NPC in a manner that could prejudice NPC;
11. References to drug companies having an “incestuous” relationship with FDA;
12. References to Dr. Suzanne Parisian as the “Former Chief Medical Officer” of FDA;
13. References to dental pain jurors may have experienced and the treatment they received;
14. Evidence regarding “moral obligations” and “legal conclusions” by Plaintiffs’ experts;
15. Evidence or argument regarding regulatory enforcement or interactions between FDA and NPC concerning drugs other than Aredia® or Zometa®;
16. References to testimony by Plaintiffs’ expert, Dr. Robert E. Marx, regarding his compensation; and
17. References to NPC’s corporate structure or to the fact that NPC is based in Switzerland.

The grounds for this motion are set forth in detail in the accompanying memorandum of law.

Dated: December 2, 2011

Respectfully submitted,

/s/ Peter G. Pappas

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing NOVARTIS PHARMACEUTICALS CORPORATION'S OMNIBUS MOTION IN LIMINE, using the CM/ECF system, which will send notification of such filing to CM/ECF participants:

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This the 2nd day of December, 2011.

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